



Paper No. 8

**COPY MAILED**

**APR 04 2001**

**OFFICE OF PETITIONS  
A/C PATENTS**

**ON PETITION**

Law Offices of John D Gugliotta  
137 South Main Street  
Suite 202  
Akron, OH 44308

In re Application of  
Bowers  
Application No. 09/299,383  
Filed: April 27, 1999  
Attorney Docket No. 9711028

This is a decision on the petition under 37 CFR 1.137(b), filed March 12, 2001, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

The above-identified application became abandoned for failure to respond in a timely manner to the non-final Office action of March 3, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 4, 2000. A Notice of Abandonment was mailed on October 10, 2000.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition is not grantable because requirement (2) above has not been satisfied. Petitioner did not submit the required petition fee. The required fee for a small entity is \$620, and Applicant submitted a check in the amount of \$605. No authorization was made to charge any fees to an indicated Deposit Account.

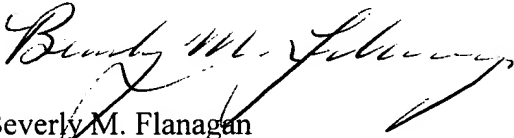
Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents  
Box DAC  
Washington, DC 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Office of Petitions  
2201 South Clark Place  
Crystal Plaza 4, Suite 3C23  
Arlington, VA

Telephone inquiries should be directed to Petitions Attorney Paul Shanoski at (703) 305-0511.



Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy